

Message

**From:** Kataoka, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1E29F87A97C343739016147A80F9C57D-MKATAOKA]  
**Sent:** 9/28/2017 3:28:14 PM  
**To:** sue.chen@usdoj.gov [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=usereddaac46]  
**CC:** Srinivasan, Gautam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d69332838210416ba51779b19025f832-GSRINIVA]; Schmidt, Lorie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f471d4b316f74b0591322b5c63f1d01c-Schmidt, Lorie]; Orlin, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=aa64dad518d64c5f9801eb9bb15b7ec3-DORLIN]  
**Subject:** Re: DC Cir 16-1430 (Trailer petition) stay motion

**Ex. 5**

Sent from my iPhone

On Sep 27, 2017, at 5:59 PM, Chen, Sue (ENRD) <[Sue.Chen@usdoj.gov](mailto:Sue.Chen@usdoj.gov)> wrote:

**Ex. 5**

**Ex. 5**

Sue Chen  
U.S. Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
P.O. Box 7611  
Washington, D.C. 20044  
202.305.0283  
[Sue.Chen@usdoj.gov](mailto:Sue.Chen@usdoj.gov)

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**From:** Melinda Pilling [<mailto:Melinda.Pilling@doj.ca.gov>]  
**Sent:** Wednesday, September 27, 2017 5:48 PM  
**To:** Theodore, Elisabeth <[Elisabeth.Theodore@apks.com](mailto:Elisabeth.Theodore@apks.com)>; Susannah Weaver <[susannah@donahuegoldberg.com](mailto:susannah@donahuegoldberg.com)>; Chen, Sue (ENRD) <[SChen@ENRD.USDOJ.GOV](mailto:SChen@ENRD.USDOJ.GOV)>  
**Cc:** Martel, Jonathan S. <[Jonathan.Martel@apks.com](mailto:Jonathan.Martel@apks.com)>; Fayne, Zachary <[Zachary.Fayne@apks.com](mailto:Zachary.Fayne@apks.com)>; Peter Zalzal <[pzalzal@edf.org](mailto:pzalzal@edf.org)>; Elaine Meckenstock <[Elaine.Meckenstock@doj.ca.gov](mailto:Elaine.Meckenstock@doj.ca.gov)>; blongstreth@nrdc.org; josh.stebbins@sierraclub.org; vpardee@biologicaldiversity.org; Scott.Koschwitz@ct.gov; Paul.Garrahan@doj.state.or.us; carol.iancu@state.ma.us; gSchultz@riag.ri.gov; Nick.Persampieri@vermont.gov; TomY@atg.wa.gov; Jacob.Larson@iowa.gov; Alice Henderson <[ahenderson@edf.org](mailto:ahenderson@edf.org)>; Janna Hamilton <[JHamilton@ucsusa.org](mailto:JHamilton@ucsusa.org)>; Byron, H. Thomas (CIV)

<HByron@CIV.USDOJ.GOV>

**Subject:** RE: DC Cir 16-1430 (Trailer petition) stay motion

All:

State Intervenor also intend to seek a one-week extension of the deadline to respond. Kindly convey your clients' positions on this request to us by 12:00 PM Eastern tomorrow (Thursday).

We consent to the Health and Environmental Intervenor's request, and do not intend to oppose EPA's request, subject to review of that request when it is filed.

Thanks,

Melinda

**Melinda Pilling**

Deputy Attorney General  
Department of Justice  
Natural Resources Law Section  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102  
Phone: (415) 703-5585

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**From:** Theodore, Elisabeth [<mailto:Elisabeth.Theodore@apks.com>]

**Sent:** Wednesday, September 27, 2017 1:15 PM

**To:** Susannah Weaver <[susannah@donahuegoldberg.com](mailto:susannah@donahuegoldberg.com)>; Chen, Sue (ENRD) <[Sue.Chen@usdoj.gov](mailto:Sue.Chen@usdoj.gov)>

**Cc:** Martel, Jonathan S. <[Jonathan.Martel@apks.com](mailto:Jonathan.Martel@apks.com)>; Fayne, Zachary <[Zachary.Fayne@apks.com](mailto:Zachary.Fayne@apks.com)>; Peter Zalzal <[pzalzal@edf.org](mailto:pzalzal@edf.org)>; Melinda Pilling <[Melinda.Pilling@doj.ca.gov](mailto:Melinda.Pilling@doj.ca.gov)>; Elaine Meckenstock <[Elaine.Meckenstock@doj.ca.gov](mailto:Elaine.Meckenstock@doj.ca.gov)>; blongstreth@nrdc.org; josh.stebbins@sierraclub.org; vpardee@biologicaldiversity.org; Scott.Koschwitz@ct.gov; Paul.Garrahan@doj.state.or.us; carol.iancu@state.ma.us; gSchultz@riag.ri.gov; Nick.Persampieri@vermont.gov; TomY@atg.wa.gov; Jacob.Larson@iowa.gov; Alice Henderson <[ahenderson@edf.org](mailto:ahenderson@edf.org)>; Jonna Hamilton <[JHamilton@ucsusa.org](mailto:JHamilton@ucsusa.org)>; Byron, H. Thomas (CIV) <[H.Thomas.Byron@usdoj.gov](mailto:H.Thomas.Byron@usdoj.gov)>

**Subject:** RE: DC Cir 16-1430 (Trailer petition) stay motion

Sue and Susannah:

We would like to be able to accommodate the requests, but as explained in our motion, the TTMA is concerned about any further delay in light of the imminent compliance obligations, and so the TTMA is compelled to oppose any extensions.

Thanks,  
Elisabeth

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**From:** Susannah Weaver [<mailto:susannah@donahuegoldberg.com>]

**Sent:** Wednesday, September 27, 2017 12:20 PM

**To:** Chen, Sue (ENRD)

**Cc:** Martel, Jonathan S.; Theodore, Elisabeth; Fayne, Zachary; Peter Zalzal; Melinda Pilling; Elaine Meckenstock; blongstreth@nrdc.org; josh.stebbins@sierraclub.org; vpardee@biologicaldiversity.org; Scott.Koschwitz@ct.gov; Paul.Garrahan@doj.state.or.us; carol.iancu@state.ma.us; gSchultz@riag.ri.gov; Nick.Persampieri@vermont.gov; TomY@atg.wa.gov; Jacob.Larson@Iowa.gov; Alice Henderson; Jonna Hamilton; Byron, H. Thomas (CIV)

**Subject:** Re: DC Cir 16-1430 (Trailer petition) stay motion

Sue,

The Public Health and Environmental Intervenors consent to your request.

We also intend to seek a one-week extension of the deadline to respond, so I would appreciate it if everyone could convey their clients' positions to me on that request by noon ET tomorrow (Thursday).

Thank you,

Susannah

Susannah Weaver  
Donahue & Goldberg, LLP  
1111 14th St. NW, Suite 510A  
Washington, DC 20005  
(202) 569-3818  
[susannah@donahuegoldberg.com](mailto:susannah@donahuegoldberg.com)

On Sep 27, 2017, at 5:59 AM, Chen, Sue (ENRD) <[Sue.Chen@usdoj.gov](mailto:Sue.Chen@usdoj.gov)> wrote:

Counsel,  
We may need a one-week extension on our deadline to respond to Trailer  
Petitioner's motion (currently October 5). Could you please let me know, by cob  
today, your clients' position on such a motion?  
Thanks,  
Sue

Sue Chen  
U.S. Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
P.O. Box 7611  
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202.305.0283  
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<http://www.apks.com>

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